

Four definitions are proposed to be added to MCZO Chapter 2:

Chapter 2 – Definitions

Medical Marijuana Designated Caregiver Cultivation Location: An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 250 square feet of cultivation space where a designated caregiver, as defined by A.R.S. §36-2801(5), cultivates marijuana.

Medical Marijuana Dispensary: An entity defined in A.R.S. §36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials.

Medical Marijuana Dispensary Offsite Cultivation Location: The additional location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. §36-2804(B)(1)(b)(ii).

Medical Marijuana Qualifying Patient Cultivation Location: An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a qualifying patient, as defined by A.R.S. §36-2801(13), cultivates marijuana. The qualifying patient cultivation location must be accessory to the qualifying patient's primary residence. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary.

A new use regulation is proposed to be added to both Chapters 5 & 6 to accommodate qualified patients who live at least 25 miles distant from a dispensary and thus will need to grow plants at home for their own personal use:

Chapter 5 – Rural Zoning Districts

Article 501.2.21 Use Regulations: Accessory buildings and uses customarily incidental to the above uses, including:

f. Medical Marijuana Qualifying Patient Cultivation Location as defined in Chapter 2 of this ordinance subject to all rules adopted by the Arizona Department of Health Services.

Chapter 6 – Single Family Residential Zoning Districts

Article 601.2.14 Use Regulations: Accessory buildings and uses customarily incidental to the above uses, including:

f. Medical Marijuana Qualifying Patient Cultivation Location as defined in Chapter 2 of this ordinance subject to all rules adopted by the Arizona Department of Health Services.

A new condition is proposed to be added for the location of adult oriented businesses in Chapter 8:

Chapter 8 – Commercial Zoning Districts, Section 804. C-2 (Intermediate Commercial Zoning District)

Article 804.2.2 Use Regulations: Adult oriented facilities as defined under Chapter 2 of this ordinance, subject to the following conditions:

- a. Adult oriented facilities shall not be located within 1,500' of any other adult oriented facility.
- b. Adult oriented facilities shall not be located within 1,500 feet of:
 1. A church; or
 2. A public or private elementary or secondary school; or
 3. A public or private day care center, preschool, nursery, kindergarten, or similar use; or
 4. A public park or playground; or
 5. A medical marijuana dispensary.
- c. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.
- d. An adult oriented business lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, or a park or playground within 1,500 feet of the adult oriented business.
- e. This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

A new Special Use category is proposed to be added in Chapter 13 that will accommodate Medical Marijuana Dispensaries, Medical Marijuana Offsite Cultivation Locations and Medical Marijuana Designated Caregiver Cultivation Locations. The initiative requires a 500' separation distance between dispensaries and schools. The proposed language maintains the same separation distance conditions for marijuana dispensaries that the ordinance already has for adult oriented businesses – a 1,500' separation from schools, churches, parks, an adult oriented business or another marijuana dispensary; as well it limits marijuana dispensaries to the C-2 & C-3 zoning districts:

Chapter 13 – Use Regulation

Article 1301.1.44 Special Uses: Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location, and Medical Marijuana Designated Caregiver Cultivation Location facilities as defined in Chapter 2 of this ordinance subject to all rules adopted by the Arizona Department of Health Services and to the following conditions:

- f. Medical Marijuana Dispensaries shall not be located within 1,500 feet of any other Medical Marijuana Dispensary.*
- g. Medical Marijuana Dispensaries shall not be located within 1,500 feet of:*
 - 1. A church; or*
 - 2. A public or private elementary or secondary school; or*
 - 3. A public or private day care center, preschool, nursery, kindergarten, or similar use; or*
 - 4. A public park or playground; or*
 - 5. An adult oriented facility.*
- h. Medical Marijuana Dispensaries shall be located within the C-3 and C-3 Commercial Zoning Districts.*
- i. Medical Marijuana Offsite Cultivation Locations shall not be located within 500 feet of:*
 - 1. A public or private elementary or secondary school; or*
 - 2. A public or private day care center, preschool, nursery, kindergarten, or similar use.*
- j. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.*
- k. A Medical Marijuana Dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, or a park or playground within 1,500 feet of the Medical Marijuana Dispensary.*
- l. This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.*

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